

**MINUTES**  
**SANDY CITY COUNCIL MEETING**

Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**April 11, 2006**

Meeting was commenced at 7:00 p.m.

**PRESENT:**

**Council Members:** Chairman Steve Fairbanks, Vice Chairman Linda Martinez Saville, Bryant Anderson, Scott Cowdell, Chris McCandless, Stephen Smith, and Dennis Tenney.

**Mayor:** Tom Dolan

**Others in Attendance:** Assistant CAO James Davidson; City Attorney Walter Miller; Community Development Director Mike Coulam; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Fire Chief Don Chase; Director of Human Resources and Management Services Brian Kelley; Administrative Services Director Art Hunter; Council Office Director Phil Glenn; Council Executive Secretary Pam Lehman

**ABSENT/EXCUSED:**

CAO Byron Jorgenson

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Boy Scout Dustin Barlow** of Troop #973, and the Pledge was led by **Jeff Thomas**, also of Troop #973.

2. **SPECIAL PRESENTATION: Fire Fighters Accreditation**

**Fire Chief Don Chase** reported that representatives from the Utah Valley State College were here to present a "Gold Standard" Certification Award to members of the Sandy City Fire Department. He reported that 95% of the Sandy City Firefighters have certified at this level by completing numerous written exams, and demonstrating and maintaining proficiency in skills over a period of time.

**Director of the Fire Division at Utah Valley College, Jeff Backsdale**, along with **Certification Manager Jolene Meddle**, presented a plaque to Chief Chase and the following members of the Sandy City Fire Department: **Medical Director Rick Howard, Chris Dawson, Bruce Kline, and Robert -----**. All of these individuals are participating in the Bachelor Degree Program for Public Services at Utah Valley State College.

**Chairman Fairbanks** asked Ms. Meddle how Sandy's Fire Department ranked compared to other departments in the valley. **Ms. Meddle** stated "right at the top".

3. **CITIZEN(S) COMMENTS:**

a. **There were no citizen comments.**

**PUBLIC HEARING(S):**

4. **Community Development Block Grant (CDBG) Annual Action Plan for Fiscal Year 2006-07 Public Hearing** to review the proposed Community Development Block Grant (CDBG) Annual Action Plan for Fiscal Year 2006-07, and authorize Mayor Tom Dolan to submit said document to the U.S. Department of Housing and Urban Development (HUD). The intent of the Consolidated

Plan/Annual Action Plan is to promote better public participation; develop more concise and measurable priorities and needs; coordinate federal statutory requirements; use existing local planning processes in the plan; provide real assessment of performance; and encourage public/private partnerships.

**DISCUSSION: Senior Planning Manager James Sorensen** expressed appreciation to members of the Community Development Block Grant (CDBG) Citizen's Advisory Committee who put forth a great deal of dedicated hard work in carefully reviewing each application and submitting their recommendations for the 2006-07 CDBG Budget. Mr. Sorensen listed each of the individuals on the CDBG committee as follows: Chairman Jeff Smith, Joseph Baker, Donald Gerdy, J'Nell Wright, Macleans GeoJaJa, Kay Burton, Allan Setterberg, and Stephanie Sherrell.

Mr. Sorensen presented a brief power point presentation from the CDBG Committee and their proposals for the Annual Action Plan for Program Year 2006-07.

The Consolidated Plan for Sandy City, Utah, must be submitted to the Department of Housing and Urban Development (HUD) as a prerequisite to receive funds under the formula grant programs:

- Community Development Block Grant (CDBG)
- Home Investment Partnership Program (HOME)
- Emergency Shelter Grant (ESG)
- Housing Opportunities for Persons with AIDS (HOPWA)

The overall goal of these programs are to develop viable urban communities by providing decent housing and a suitable living environment with expanding economic opportunities, principally for low-and moderate income persons. Decent housing includes assisting homeless persons; maintaining the affordable housing stock; increasing the availability of affordable permanent housing; and increasing the supply of supportive housing which provides services for persons with special needs.

The un-programmed funds are generated by projects previously funded in prior fiscal years that have been completed or canceled. One project that has been canceled is the Historic Sandy Community Garden which was funded through the General Fund.

Mr. Sorensen indicated that 24 applications were received by the City, with requests for CDBG funding totaling \$515,349. This exceeded the available funding by some \$111,148.

Mr. Sorensen reported that the Section 108 Loan Guarantee Fund, used to help construct the Sandy Senior Citizen Center, is scheduled for final payment in the year 2015. The loan was secured to construct the Senior Citizen Center located at 9310 South 1300 East. This facility is used as a model by HUD for other communities seeking to obtain Section 108 loans in their communities.

The entitlement CDBG Block Grant funding issued to Sandy City for Fiscal Year 2006-07 is expected to be \$402,201. This is a decrease from last year's budget. Last year, Sandy City received \$447, 904 in CDBG funds to carry out eligible activities.

Under the Housing Activities, it has been proposed to fund 3 activities: ASSIST - SHIPP - and Transitional Home Maintenance. The amount available to spend on Public Services is set by Federal Law at 15% of the grant amount, or \$60,330, which will fund eleven proposed activities. The CDBG Committee recommendations are based on project eligibility, most urgent needs, and past performance.

**Chairman Fairbanks opened the public hearing.**

- a. **Lori Sandoval**, Salt Lake Community Action Program(CAP), South County Food Pantry, and Harrison Street Food Bank (in Sandy), reported that they provide mortgage counseling to seniors and low income families, the home buyer purchasing program, and the reverse mortgage counseling program for elderly residents. The South County Emergency Food Pantry provided assistance to some 380 low income families in the Sandy area.
- b. **Diane Spencer**, representing the Family Support Center in Midvale, reported that their agency works to prevent child abuse and assist in strengthening families. They work closely with the YWCA, South Valley Sanctuary, and Legal Aid Society to provide the resources needed to protect children. She expressed appreciation for the recommendation of funding for the Crisis Nursery. Their facility provided assistance for some sixty Sandy residents last year.
- c. **Stewart Ralphs**, Executive Director of the Legal Aid Society, expressed appreciation to the City for their support, and also for "going to bat" against Congress to help maintain CDBG funding. He indicated that they assist people by providing counseling in family law, domestic relations, repaying child support, alimony, and child custody issues. He stated that the average cost to serve each case is far less than what one would pay an attorney from the private sector.
- d. **Christy McDonald**, Utah Food Bank, expressed appreciation to Sandy City, the Mayor, and Staff for their hard work and efforts in supporting the Utah Food Bank. Last year, the Utah Food Bank provided 421,000 meals in emergency food requests from low income families. She reported that CDBG funds would be used to purchase boxes and totes for transporting food to various cities and agencies.
- e. **Kathy Green**, Life Care Bank, reported that the typical client serviced in Sandy is a 70 year old single woman living on a monthly fixed income. Their facility installs safety and accessibility features in homes which allows residents to remain in their homes for longer periods. In addition to housing support, they provide prescription services, food, and yard care, which helps to free up additional funds.
- f. **Dianne Hancock**, South Valley Sanctuary, expressed appreciation for the financial support. She reported that they served 173 adults, and 188 children over the past year, noting that 23 of those were Sandy residents. She expressed concern regarding the increase in domestic violence and the critical need for safe havens for victims of abuse.
- g. **Keith Leonard**, representing the 2-1-1- Information Program, reported that the 2-1-1 Program connects people with important community services and volunteer opportunities, and also provides callers with information about and referrals to human services for everyday needs and in times of crisis. They would like to be considered for future CDBG funding.
- h. **Roger Borgnicht**, ASSIST Director, expressed appreciation to the City Council for their past support. He reported that the Emergency Home Repair Program works in conjunction with the SHIPP program to provide a funding source for low-income and disabled residents that enables them to make minor emergency home repairs. They also help in providing designs and accessibility for the elderly and handicapped.
- i. **Dennis Kelsey**, from Transitional Housing maintenance, reported that his agency owns four housing units in the Sandy area. Money obtained from CDBG funding would be used to help maintain these homes to the standards of the City. They have a very aggressive program to help house families who have been homeless.

- j. **Phil Weimar**, Copperview Community Health Center, expressed appreciation to the Council for funding to help provide health care to low income families. He reported that his facility provided care to over 260 low income families, twenty nine of them being from the Sandy area.
- k. **Steve Taylor**, member of the Road Home, expressed appreciation to the Council for support of their program.
- l. **Michelle Flinn**, representing the Road Home, expressed appreciation for funding. The Road Home provides emergency shelter to homeless individuals from November to April. Sandy has four transitional houses in the City to which case management is provided to the people currently living in the transitional housing. They help provide shelter for the homeless and help people overcome homelessness.

**Chairman Fairbanks closed the Public Hearing as there were no further comments.**

**Steve Smith** asked for an explanation on the payment of the Section 108 Loan for the Senior Citizen Center.

**James Sorensen** explained that the Senior Citizen Center was funded through Section 108 Block Grant funding to construct the Senior Citizen Center. This is one of the eligible projects that Section 108 funding can be used for. This is a guaranteed loan so funding has to be present in order to procure the loan.

**Scott Cowdell** expressed his appreciation to all of the agencies for their help and stated that he wished the City could give more funding to help them in their worthwhile causes.

**Bryant Anderson** questioned whether the Section 108 Loan could be used once the existing loan is paid off to renew the loan to expand the Senior Citizen Center.

**James Sorensen** indicated that HUD is not issuing any new Section 108 Loans at this time.

**MOTION: Reference Item #6 on the Agenda.**

5. **Conditional Use Appeal: Village at Park Avenue (7700 So. Union Park Ave. )**

**DISCUSSION: Community Development Director Mike Coulam** presented a brief update on the Conditional Use Appeal for the Village at Park Avenue. This project received approval from the Planning Commission. The subject property is currently zoned under the SDHarada Zone. During the approval process for the proposed development, the Planning Commission granted a conditional use for the project to proceed. However, the developer, Mr. Christensen has advised us that the property owner/seller of needed land on the southern portion of the project area did not show up for the closing. As a result, this parcel may not be included as part of the project. This will result in a revised site plan coming back for consideration and approval by the Planning Commission before the Council can hear the conditional use appeal.

**Mr. Coulam** reported that Staff is recommending that the Conditional Use Appeal for Village at Park Avenue be tabled until the Planning Commission has time to re-review the revised plat from the developer based on the loss of needed property.

**City Attorney Wally Miller** explained that it would not be a disadvantage to the Developer or the Friends & Neighbors of Union Park to table this issue at this time.

**Perry Bolyard**, Chairman, Friends & Neighbors of Union Park, indicated that he felt it would be best to table the Conditional Use Appeal until the new site plan has been reviewed with a recommendation from the Planning Commission. He noted that a petition accompanied the appeal that had 350 signatures of residents representing Sandy, Cottonwood Heights, and Midvale. Creek Road is the dividing line between Sandy and Midvale City. Many residents use Creek Road to access their homes, and would be affected by the proposed project. Mr. Bolyard indicated that he would like to reserve the right to address the Council in the future regarding the Conditional Use Appeal.

**Dan Christensen**, Developer, indicated that they came prepared to make a presentation to the Council. However, he indicated that despite the loss of the property at the southern end of the project, they have been able to rectify the design of the project which would affect one phase of the three phase project. They are willing to abide by Staff's recommendation for Planning Commission approval on a revised site plan for their project, then come back at the appropriate time with their presentation.

**Chairman Fairbanks opened then closed the Hearing as there were no comments.** He explained that the Public may want to reserve their comments when/if this item is addressed by the Council at a later date.

**MOTION:** **Scott Cowdell** made the motion to postpone the Conditional Use Appeal for the Village at Park Avenue until the Planning Commission has time to re-review the revised plat from the developer based on the loss of an additional piece of property.

**SECOND:** **Linda Saville**

**Question on the Motion:**

**Steve Smith** asked Mr. Bolyard if he felt this matter could be resolved with revisions to the new site plan, or if he felt will they would be back before the Council to address their Conditional Use Appeal.

**Mr. Bollard** expressed appreciation for the developer's efforts in trying to appease the residents' concerns regarding the proposed development. However, their main concern is that they do not believe this proposal is consistent with the SD Harada Zone.

**VOTE:** **Cowdell - Yes, Saville- Yes, Tenney- Yes , McCandless- Absent, Smith- No, Anderson-No, Fairbanks- Yes**

**Motion Approved: 4 in favor, 2 opposed, 1 absent**

**COUNCIL ITEMS:**

6. **Community Development Block Grant Action Plan and Consolidated Plan**  
**Resolution #06-18 C** - authorizing Mayor Tom Dolan, Chief Executive Officer, to sign and submit to the U.S. Department of Housing and Urban Development Sandy City's 2006-07 Community Development Block Grant Action Plan and Consolidated Plan.

**MOTION:** **Scott Cowdell** made the motion to adopt Resolution #06-18 C, authorizing Mayor Tom Dolan, Chief Executive Officer, to sign and submit to the U.S. Department of Housing and Urban Development Sandy City's 2006-07 Community Development Block Grant Action Plan and Consolidated Plan as proposed.

**SECOND:** **Linda Saville**

**VOTE:** **Cowdell- Yes, Saville - Yes, Tenney- Absent, McCandless - Absent, Smith- Yes, Anderson-Yes, Fairbanks- Yes**

**Motion Approved: 5- in favor - 2 absent**

7. **South Pointe Development Rezoning**

**Ordinance #06-09** - rezoning approximately 10.16 acres of property located at approximately 491 East 11000 South, from the R-1-40 A "Residential District" to the R-1-20A "Residential District".

**#1 Motion:** **Scott Cowdell** made the motion to adopt Ordinance #06-09, rezoning approximately 10.16 acres of property located at approximately 491 East 11000 South, to reconsider the Council's position on the R-1-20A Zone, and revert back to the R-1-40A "Residential District" Zone, which would allow a viable cul-de-sac to be developed eliminating traffic flow from 10600 South to 11000 South.

**Second:** **Linda Saville**

**Phil Glenn** indicated that the Council may want to wait on making a motion on this item until Councilman Dennis Tenney and Councilman Chris McCandless return to the Council meeting. Each had a prior commitment but were scheduled to return to the meeting.

**The Council determined that they would wait before making a motion until the two Council members returned to participate in the vote.**

**#2 Motion:** **Scott Cowdell** made the motion to adopt Ordinance #06-09, rezoning approximately 10.16 acres of property located at approximately 491 East 11000 South, from the R-1-40A Zone "Residential District" to the R-1-20A "Residential District" Zone, and that the project have a self contained road system designed eliminating traffic flow from 10600 South to 11000 South.

**Second:** **Linda Saville**

**Clarification on the Motion:**

**Dennis Tenney** asked Mr. Cowdell's if this motion was to approve the R-1-20A Zone instead of the R-1-40A Zone as proposed in his first motion, along with the roadway being self contained eliminating traffic flow from 10600 South to 11000 South.

**Mr. Cowdell** stated "yes".

**Mr. Tenney** indicated that he struggled with eliminating flow from 10600 South to 11000 South based on public safety issues addressed early by City Staff. The emphasis should be placed on the importance of having access through residential neighborhoods and the safety of the public.

**Point of Order:**

**Chairman Fairbanks** indicated that there was a motion before the Council to adopt the R-1-20A Zone, and that a vote should be taken on Mr. Cowdell's motion. Mr. Glenn was asked how procedurally the vote should be taken.

**Mr. Glenn** noted that the Council could take a vote on Mr. Cowdell's motion. However, the Council does not have the authority to tell the Planning Commission how to design roadways in a development under the City's existing ordinances.

**City Attorney Wally Miller** informed the Council that they could forward a "recommendation" to the Planning Commission on the proposed design of the roadway in the subdivision.

**Chairman Fairbanks** asked Mr. Cowdell if he would like to include the word "recommendation" in his motion.

**Mr. Cowdell** indicated that his motion was stated the way he wanted it sent to the Planning Commission.

**Bryant Anderson** stated that the City Council does not have the authority to review site plans for proposed developments. The neighborhood indicated that they would be willing to accept the R-1-20A Zone. Mr. Anderson indicated he would support adopting the ordinance to rezone this parcel to the R-1-20A Zone, with the Planning Commission addressing issues related to traffic concerns.

**Substitute Motion:** **Bryant Anderson** made the motion to adopt Ordinance #06-09, rezoning approximately 10.16 acres of property located at approximately 491 East 11000 South, from the R-1-40 A "Residential District" to the R-1-20A "Residential District", and to allow the Planning Commission to determine an adequate road system through the proposed development.

**Second:** **Dennis Tenney**

**Vote:** **Anderson - Yes, Tenney -Yes, Cowdell - No , Smith - Yes, Saville- No, McCandless - Absent, Fairbanks - Yes.**

**Motion Approved:** **4 in favor, 2 opposed, 1 absent**

8. **Formation of Special Committees**  
**Ordinance #06-10** - amending Sandy City Ordinance #00-48 regarding formation of special committees.

**DISCUSSION:** **Phil Glenn** informed the Council that the Ordinance #06-10, Formation of Special Committees, along with Resolution 06-19 C, Establishing a Sandy Sister City Committee, should be tabled until research has been completed by the City Recorder to clarify allowed membership numbers on the various committees.

**MOTION:** **Scott Cowdell** made the motion to table the adoption of Ordinance #06-10, Formation of Special Committees ,and Resolution #06-19 C ,Establishing a Sandy Sister City Committee until research has been completed by the City Recorder to clarify allowed membership numbers on the various committees.

**SECOND:** **Bryant Anderson**

**VOTE:** **Cowdell - Yes, Anderson -Yes, Tenney- Absent, McCandless - Absent, Smith- Yes, Saville- Yes, Fairbanks- Yes**

**Motion Approved: 5 in favor - 2 absent**

9. **Establishing a Sandy Sister City Committee**  
**Resolution #06-19 C** - a joint resolution of the Council and Mayor establishing a Sandy City Sister Cities Committee.

**MOTION:** **Reference Item #8 on the Agenda.**

10. **Funds Transfer: Selective Enforcement (\$29,552)**  
**Resolution #06-22 C** - transferring funds within the General Fund.

**DISCUSSION:** **Administrative Services Director Art Hunter** reported that the funds transfer for the Selective Enforcement Program generally takes place this time each year. The Selective Enforcement Program has proved to be very effective in providing additional Police coverage for patrol of troubled areas throughout the City. Mr. Hunter stated that, thus far, the program has paid for itself.

**Bryant Anderson** expressed concern that unnecessary citations may be issued in order to raise money to fund the program.

**Chief Chapman** informed the Council that this was not the case at all. This program was implemented, at the request of the City Council, to help control neighborhood traffic issues and keep more officers on the street. The money to fund the program comes from revenues collected from citations, and the Council's Contingency Fund.

**Art Hunter** indicated that he would be willing to look at the statistics and present a report to the Council at a later time.

**MOTION:** **Bryant Anderson** made the motion to adopt **Resolution #06-22 C**, transferring funds within the General Fund for the Selective Enforcement Program in the amount of \$29,552.

**SECOND:** **Scott Cowdell**

**VOTE:** **Anderson - Yes, Cowdell - Yes, Tenney- Absent, McCandless- Absent, Smith - Yes, Saville- Yes, Fairbanks- Yes**

**Motion Approved: 5 in favor - 2 absent**

**MINUTES:**

11. Approving the **April 4, 2006** City Council Meeting Minutes.

**MOTION:** **Scott Cowdell** made the motion to adopt the April 4, 2006 City Council Meeting Minutes as written.

**SECOND:** **Linda Saville**

**VOTE:** **The Council responded verbally in the affirmative to the motion.**

12. **MAYOR'S REPORT:**

a. No Report was given

13. **CAO'S REPORT:**

a. **Assistant CAO Jamie Davidson** reported that the Administration is reviewing medical plan options for the coming year. The City has been with Intermountain Health Care [IHC] for the last ten years, and Altius Health Care for the past four years. Health Care options are sent out to bid on an annual basis. Blue Cross-Blue Shield came in with a bid that is lower than IHC and Altius, and offering a plan similar to the previous carriers. The Administration is faced with a decision on whether a transition from one provider to another should take place. He invited Human Resource Director Brian Kelley to update the Council on this issue.

**Human Resource Director Brian Kelley**, presented a handout to the Council [ **Ref: Exhibit A** ] explaining the pro's and con's regarding the transition over to Blue Cross. The Benefits Committee, which has reviewed the changes, has come up with two viable options:

1. To remain with the current carriers.
2. Transition over to Blue Cross.

The plan being offered by Blue Cross is very similar to that of IHC. Blue Cross came in 2.25% lower on their initial costs. Concerns have been expressed that higher long term costs could be assessed to the City in the years to come, reducing the initial cost savings to the City. The proposed changes will be presented to all city employees within the upcoming week.

**Dennis Tenney** asked at what extent employees would be involved in the process.

**Mr. Kelley** reported that the Benefits Committee, consisting of representatives from every City department, has been involved over the past two months discussing the various health care



options. Some Departments have already held meeting with their employees. All employees are scheduled to receive this information by the week's end.

**Bryant Anderson** asked if Blue Cross would offer any rate reductions to employees who transition to their plan when they retire from the City.

**Mr. Kelley** noted that the City provides Cobra insurance for retired employees up to 18 months after retirement.

**Jamie Davidson** indicated that Blue Cross offers an option under their plan where individuals may use IHC facilities at an additional cost.

**Mayor Dolan** noted that only 3% of the IHC health care providers are not included under the upscale Blue Cross Plan. The feedback received from the employees has been favorable towards Blue Cross. He stated that the dilemma is deciding whether the City should offer a better plan that could end up costing the City more money in the long term, or stick with the current plans.

14. **COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. **Mr. Glenn** presented a copy of the updated monthly calendar, advising the Council that the Teacher Appreciation Dinner, sponsored by the Youth City Council, will be held on Thursday, April 27<sup>th</sup>.
- b. **Mr. Glenn** presented a copy of the partial minutes on the SouthPointe Development discussion held on Tuesday, March 28<sup>th</sup>.
- c. **Mr. Glenn** presented a letter from the Law Firm of Jones, Waldo, Holbrook, & McDonough, which is representing the property owners on the southern end of the proposed Village @ Union Park project. This letter initiated the action to table the Conditional Use Appeal hearing.

15. **OTHER COUNCIL BUSINESS:**

- a. **Steve Smith** asked if the Mayor's and CAO reports, given in Planning Meeting, could be included as part of the official City Council Meeting Minutes. Mr. Smith felt that since these two items are part of the formal Council Agenda, they should also be included as part of the formal record.

**Phil Glenn** reported that it has been a long standing policy that minutes of the Planning Meeting could be taken if the Council so chooses. However, by law, it is not required that written detailed minutes of a Planning Meeting be taken since no formal action is taken by the City Council during the Planning Meeting.

**Motion:** **Steve Smith** made the motion to include the Mayor and CAO Reports, given in Planning Meeting, as part of the City Council Meeting Minutes.

**Second:** **Bryant Anderson**

**Vote:** **The Council responded verbally in the affirmative to the motion.**

**At approximately 8:35 p.m., Scott Cowdell made a motion to adjourn Council Meeting, motion seconded by Steve Smith.**

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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City Council Meeting Minutes

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**Steve Fairbanks**  
**Council Chairman**

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**Pam Lehman**  
**Council Office Executive Secretary**

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